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RE: Applicant Response to The Retreat at RidgeGate Home Owners Association Referral Response to Application - SB25-0014 - Hillcamp Drive Filing No. 1, Dated February 10, 2026

Mr. Darnell:

This firm represents the applicants in connection with four recent applications for certain entitlements relating to a single-family residential neighborhood known as Hillcamp (the “Project”). We are joined for the purpose of submitting this letter by Jon Hoistad of the firm McGeady Becher Cortese Williams P.C., which firm represents Rampart Range Metropolitan District No. 1 (the “Applicant”) in connection the above-referenced application. On behalf of our respective clients, we submit this letter as a response to the referral request response opposition letter (the “Opposition Letter”) submitted by legal counsel for The Retreat at RidgeGate Homeowners Association (the “HOA”) to the City of Lone Tree (the “City”), arguing against approval of the Applicant’s application for a Final Plat – Hillcamp Drive Filing No. 1 (SB25-0014) (the “Application”).

I. Introduction

The Opposition Letter makes broad assertions that the Application is defective. To the contrary, the Application meets or exceeds all applicable requirements in the City code. This Response Letter will review each claim and explain how the Application demonstrates compliance.

The Application demonstrates that (i) the selected road alignment was thoroughly evaluated as part of a multi-year coordination effort with the City, and ultimately chosen because it satisfies City code criteria, subdivision approval standards, and safety and emergency requirements; and (ii) the slope stability and geotechnical hazards have been investigated and analyzed, and mitigation methods have been proposed based on conservative assumptions and with express requirements to reevaluate if conditions or construction plans change.

The Opposition Letter is, at its core, an attempt to revisit the existing approved PDD documents, disguised as a challenge to the merits of this Final Plat. As explained in more detail below, each issue raised in the Opposition Letter is either incorrect based on the Application or based on a flawed analysis.

II. Argument

A. Tract “M” is Not Necessary for the Project

The Opposition Letter argues that Tract “M” is required for development. This approach was part of Hillcamp’s original development plan but was never essential to it. An alternative plan that does not utilize or involve Tract “M” has already been prepared and is being submitted to the City concurrently with this letter. Specifically, the Project originally contemplated the purchase of Tract M to enhance and maintain the existing pond that is located in Tract M. This would be a benefit to the neighboring properties located in The Retreat because it would remove their current obligations to maintain the existing pond in Tract M. But the use of Tract M to provide water quality for the Project was just one of many alternatives the Project design team considered, and when it became clear the HOA was not interested in the conveyance, the Project was redesigned to provide water quality in an alternative manner: the Applicant revised the design to use underground water-quality vaults located entirely within the Project boundaries. Thus any issue regarding Tract “M” irrelevant because construction or reliance on Tract M is no longer needed for the Project.

The Opposition Letter also characterizes the reference to obtaining Tract “M” as a “blatant misstatement.” This is a mischaracterization. As shown from the material in the Application, in September 2025, the Applicant approached the HOA with a good faith offer to acquire Tract “M” and thereafter assume the obligation to maintain Tract M in perpetuity. *See Letter from Rampart Range Metropolitan District No. 1 to The Retreat at RidgeGate Homeowner’s Association*, dated September 25, 2025. The Applicant prepared its initial submissions with a good faith belief that an agreement with the HOA could be reached, and such a belief was reasonable considering that the HOA had previously cooperated with the Applicant with respect to other construction work in the past, such as by conveying temporary easements for construction and drainage easements. *See Technical Memorandum prepared by J.R. Engineering of the Roadway Alignment Evaluation – Hillcamp Trail Extension (Plat Application SB25-0014)*, dated November 20, 2025 (the “Alternative Access Memo”), § 1.

The Applicant is prepared to move forward with the Application without relying on Tract “M” and is preparing to submit revised planning documents and construction drawings. Accordingly, the claim that this is a threshold issue that bars approval is without merit.

B. Application has Evaluated and Designed to Avoid and Mitigate Unstable Soils or Landslide Susceptibility, and There is No Repetition of Known Geotechnical Error

The Opposition Letter asserts that Hillcamp Drive and pedestrian bridge as proposed will cross terrain with expansive soils and bedrock, steep slopes, drainageways, shallow groundwater, and mapped landslide susceptibility, and it argues that approving the Application would be arbitrary in light of these documented hazards and a recent slope failure on the HOA’s property. The geotechnical record submitted with the Application does not deny or ignore these hazards; rather, consistent with good engineering practices, it identifies them, evaluates them, and sets out an iterative, mitigation-driven pathway for the design and construction of mitigation measures based on the actual field conditions observed. And, critically, the geotechnical reports did not identify any hazards that would preclude development.

The Preliminary Geotechnical Investigation (the “Preliminary Report”) and the Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (the “Updated Report”) each identify a series of conceptual mitigation measures that are to be undertaken prior to and during the grading process, and refined as plans advance, including:

- Moisture conditioning, moisture treating, and compaction of subgrade soils;
- Installation of trench drains and subdrains, and the design and construction of specially tailored surface drainage systems to rapidly remove runoff and reduce groundwater;
- Detailed specifications for trenching and cut and fill activities, certain recommendations for engineered slope retention systems;
- The construction plans themselves incorporate geotechnical requirements, erosion mitigation, and field-condition specific triggers to reassess and adjust during grading;
- Detailed requirements for observation during construction to confirm that field conditions are consistent with the samples and analysis obtained during the site investigation period; and
- Details for the maximum slopes to be used during construction activities and in the permanent state of the roadway, providing stability to the hillside and meeting the standard factor of safety.

The Geotechnical Investigation – RidgeGate Mesa Tops Pedestrian Bridge (the “Bridge Report”, and together with the Preliminary Report and the Updated Report, the “Geotech Reports”) similarly addresses mitigation through structural and foundation design—for example, recommending drilled piers bearing in bedrock as the safest foundation system—together with requirements for drainage and observation during construction. This report also acknowledges that, while risk cannot be eliminated entirely, it can be mitigated through proper engineering, design, construction, and maintenance. Furthermore, these geotechnical investigations are preliminary by design and must be responsive to conditions identified during the construction process. The Douglas County Roadway Design and Construction standards (the “Roadway Standards”), as incorporated by reference into the City’s code, and the Geotech Reports themselves, contemplate additional study, testing, and verification during later phases of the design refinement and final construction, particularly in connection with grading, to determine and confirm the most appropriate mitigation methods tailored to observed stability concerns or landslide risks.

The Project is designed with a specific eye towards maintaining the existing landscape and limiting site disturbance, which is precisely what was contemplated by the two applicable PDDs. It must also be noted that both the Updated Report and Bridge Report clearly state that no geological hazards were identified by the engineers during the geological investigations that, in the professional opinion of the engineers, would preclude development, provided that the mitigation techniques discussed in the reports are implemented. *See Updated Report*, p. 4, *Bridge Report*, p. 7. The proposed alignment and location of the roadway was carefully studied to balance the cuts and fills needed for the roadway to traverse from its current terminus, at the intersection of Cabela Drive and Viewside Drive, to the top of the mesa. The roadway slopes were optimized by utilizing maximum allowable gradients going up and down the hillside to blend into the natural curvature of the terrain. Two (2) sets of tiered retaining walls have been proposed in the cut locations of the roadway. The use of tiered retaining walls is a common engineering practice throughout the Front Range, and particularly in Douglas County. Similar tiered walls are used in the area, including within The Retreat neighborhood where a significant number of walls were designed and constructed throughout these similar hillsides.

The HOA suggests that the historical survey of conditions labeled “Geological Survey’s Landslide Inventory and Susceptibility for Douglas County” (the “Douglas County Geotech Survey”) shows that the area is unsuitable for development. However, the Douglas Geotech County Survey expressly states that:

This map shows generalized areas that may be susceptible landslides based on available data and limited field visits to accessible areas. . . . Because of limitations associated with the map scale and the scope of this project, the map does not show all areas that may be susceptible to landslides. Inclusion of existing structures and infrastructure within a mapped susceptibility area does not necessarily indicate that landslide impacts will occur, only that these features may be more exposed relative to those located in other areas. The degree of susceptibility to a particular geologic hazard, in any given area, is related to ever-changing natural and human-induced conditions and any alteration in the natural landscape may increase or decrease susceptibility to a particular hazard. Due to the nature of the geologic maps used and the limitations of the model, areas that are more susceptible to rockfall or debris flow may be included in the coverage of the susceptibility map. The polygons shown on this map are not intended to assign risk, or indicate the degree, severity, recurrence interval, or exact boundary of individual landslide prone areas. This map should not be used in place of a detailed site-specific geologic hazard study. *See Douglas Geotech County Survey, “About This Map.”*

Accordingly, the map is expressly intended to document the areas where additional site-specific geological testing should be conducted prior to development. Similarly, the “lidar-based landslide susceptibility mapping prepared by Shannon & Wilson Inc.” referenced in the Opposition Letter shows areas with varying degrees of landslide susceptibility. These documents are general indicators of where geological risks are likely to be located, and are no basis to reject the Application which contains site-specific geological data and reports that show in detail that development can safely proceed. The Geotech Reports contained in the Application provide the site-specific evaluation, including design and construction control recommendations, which is the level of investigation that the more general geological risk screening documents suggest is necessary.

Contrary to the Opposition Letter’s assertions that the landscape in the Hillcamp area is too unpredictable to mitigate, the Application’s extensive level of documented investigation, analysis, and observation redounds to the benefit of development proposed in the Project area because it provides additional opportunities to identify and utilize appropriate mitigation techniques more closely tailored to the conditions present.

The HOA references the third-party consultant review conducted by Ground Engineering, dated October 29, 2025 (the “Ground Review”), as an additional basis for its opposition to the Application. However, the Ground Review ends with a clear statement that Ground Engineering found the Geotech Reports to be consistent with standard practice and typical methods in Colorado. The Ground Review suggested that additional information and analysis of the cohesion factor should be utilized to analyze the slope stability of the roadway. The Applicant’s Geotechnical Engineer and Ground Engineering recently discussed this comment and determined an acceptable cohesion factor. An updated Geotechnical Study has been prepared for the resubmitted materials, including an update to the cohesion factor that continues to demonstrate that the roadway and associated slopes will be stable.

The Opposition Letter also suggests that the landslide on HOA-owned Tract C is proof of unsuitable stability issues, proving that previous geotechnical analyses of the area was flawed. However, the Opposition letter also notes that the cause of that landslide is undetermined, and the HOA is engaged in an active dispute with the Southgate Water and Sanitation District (the “Water District”) over allegations that a Water District equipment failure caused the landslide. Assuming the HOA’s dispute has merit, the prior landslide—likely connected to a water-system failure—simply underscores the need for thorough testing and appropriate slope-mitigation planning; it does not establish that development is inherently incompatible with Hillcamp’s slope conditions. This point is further emphasized by the fact that the Application’s proposed roadway is an extension of the existing roadway,

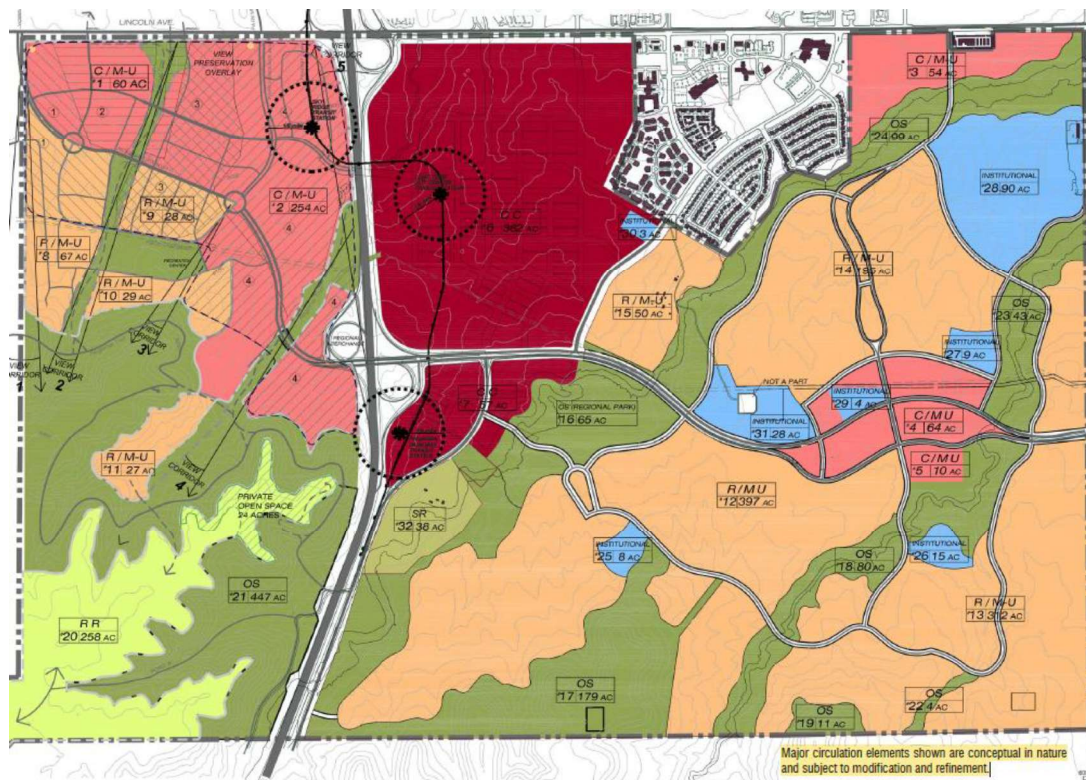
which was built in similar natural conditions, already used by the residents of the HOA and which has been in place for many years without issue.

In short, the Geotech Reports do not claim that the corridor is free of hazards; they document a thorough investigation that identifies the hazards of location, describes a conservative and iterative approach for implementing mitigation measures, and lays out certain additional considerations that may be relevant for evaluating designs as construction plans are finalized.

C. No Deviation from Planned Development District

The Opposition Letter argues that the Hillcamp Drive extension constitutes an unauthorized deviation from the RidgeGate PDD (7th Amendment) (“RidgeGate PDD”), and that this is an inappropriate PDD amendment being pursued through the incorrect process. This argument is mistaken because the intended purpose of a Planned Development District is to be a high-level planning document that is refined at each subsequent planning stage. Determining the final location of the road is simply a part of that refinement.

The RidgeGate PDD shows the conceptual framework for the key elements of the anticipated development, but it does not show the precise plan for the development. The RidgeGate PDD itself states that it is conceptual and “subject to modification and refinement,” with the detailed street layout to be established and confirmed through the subsequent City approvals (i.e., Sub-Area Plans, subdivision plats, and site improvement plans). *See RidgeGate PDD*, p. 3. The PDD is clear on this point (see highlighted language in bottom right corner of PDD page 3):



The RidgeGate PDD expressly notes that the owner of the property will submit recommendations to the City for the “specific location, rights-of-way and construction requirements for roadways” when planning for phases of construction and preparing subdivision-level, site-specific engineering plans in accordance with City standards. *See RidgeGate PDD*, p. 1. Simply put, the RidgeGate PDD did not establish the location of roadways. The Application’s proposal of a final location for the road is consistent with the RidgeGate PDD’s terms, even if the location is not exactly as depicted in the high-level planning document. Incorporating this flexibility in the high-level planning document is intentional because the development was expected to unfold over many years, and the RidgeGate PDD accordingly authorizes the Community Development Director in consultation with City Council to review and interpret the future sub-area plans, design guidelines, and other planning documents proposed under the RidgeGate PDD for consistency with City regulations and standards, and the framework established by RidgeGate PDD’s planning concepts and objectives. The process was designed so that the plan could evolve as necessary based on present conditions and as more detailed planning, analysis, geotechnical studies, and other investigations documenting the site become available. *See RidgeGate PDD*, p. 3 (“Sub-Area Plans may include complete or partial planning areas, or a combination of multiple planning areas. These will serve to further define development standards that allow for flexibility to respond to market conditions yet provides specificity so that development implements the planning concepts.”)

That is precisely what the Application does; within the RidgeGate PDD’s stated procedures, it refines the roadway location and design, just as was contemplated to occur through the sub-area plan, platting, and site-improvement-plan approval processes.

D. Alternative Alignment 7 – Surrey Ridge Alignment

The Opposition Letter argues that because the road location described in the Application materials as “Alternative Alignment 7 – Surrey Ridge Alignment” (the “Conceptual Roadway”) appears in the conceptual depiction that was included in the RidgeGate PDD, it therefore must be used for final development. The Opposition Letter further contends, that the Conceptual Roadway was rejected as “environmentally infeasible” without adequate justification. These assertions are not supported by the technical record, which shows that a comparative, multi-criteria evaluation was conducted to reach the selection of the least impactful, code compliant and safe alignment.

The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo, which explains how the Conceptual Roadway was considered but a better option was found during the detailed analysis. In particular, the Alternative Access Memo describes the process through which seven roadway alternatives were compared against City and Fire Department access criteria, construction constraints, and environmental impacts, and it concluded that “Alternative 1,” which is the Application’s proposed alignment, is the least impactful option that meets the applicable access and safety requirements. *See Alternative Access Memo*, §§ 4-5. This method is consistent with the RidgeGate PDD documents, which as discussed above were always intended to be conceptual in nature and subject to modification and refinement in the subsequent planning documents.

As articulated in the Alternative Access Memo, Alternative 1 was determined to be the better option because it aligns the road in a way that causes less environmental impact and provides a higher quality road. The evaluation also states that visual and noise impacts were considered, and that the proposed Alternative 1 road location will better leverage the existing infrastructure to provide improved access to the future residents. In addition, the selected alignment was evaluated for geotechnical feasibility by a qualified engineer, and the alignment itself was carefully field-staked and refined specifically to reduce impacts to nearby properties and the existing natural

characteristics of the area, and to minimize disturbance to existing natural drainage features. *See Alternative Access Memo*, § 4.

The Opposition Letter argument also conflates the safety based need for a viable emergency access with the idea that such secondary access point must be substantially similar to the main access point in its character and capacity. This is misleading; the second access point must be included for health and safety reasons and should be evaluated under the parameters as such. As noted in the *Alternative Access Memo*, multiple options were evaluated and compared to the City and Fire Department access criteria, and several of these were rejected when the analysis identified specific operational or safety deficiencies. After removing the inappropriate options from consideration, it allowed the Applicant to select among the viable options to determine the main access and emergency access locations, each of which meet the applicable requirements.

Furthermore, the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the *Alternative Access Memo*) were not rejected “without justification” as the Opposition Letter claims. They were evaluated and found to raise material environmental and community-compatibility concerns—such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs, including the views from I-25—in addition to having certain additional emergency-access and design-standard constraints that are associated with the rural character of the area and the constraints of the nearby underpass. *See Alternative Access Memo*, § 4.

Accordingly, the technical record confirms that the Applicant’s selection of Alternative 1 as the roadway reflects a reasoned, evidence-based determination consistent with the conceptual nature of the RidgeGate PDD and all governing access and safety requirements.

E. Emergency Access is Secured

The HOA’s argument that no legal access points have been secured for the subject Application property is incorrect. As will be discussed in further detail below, the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 (the “Roadway Easement”), providing the legal right to access the property. The Application will determine the precise location for such access. Additionally, under City code, the final determination for the access points for the Project will be made as the Project’s subdivision applications are reviewed and revised. *See Lone Tree Municipal Code* (the “Code”), § 17-1-90 (defining preliminary plat and final plat). The Project’s submitted applications contain two preliminary plans, and other supporting material, showing the proposed primary and secondary access points for the Project. These are still in the preliminary plan stage and being refined. The final subdivision plans for the Project, which must show that the Application Property has legal and physical access acceptable to the City, will be prepared and solidified in coordination with the City during review of the preliminary plans, and final plans will be submitted at the later phase of the application process. *See Code*, § 17-4-70(10) (detailing final plats). The HOA’s argument about secondary access is irrelevant to approval of the Application (which is for the Project’s primary access road), and will be properly addressed in the final plat applications for the Project.

F. Application’s Traffic Impact Study was Thorough and Wildfire Evacuation Risk is Mitigated

The Opposition Letter criticizes the Traffic Impact Study prepared by J.R. Engineering dated February 28, 2025 (the “Traffic Impact Study”) for a variety of reasons, including that it relied on weekday counts and evaluated too

limited a set of intersections, but does not identify any actual deficiencies in the Traffic Impact Study based on industry standards, or any other governing standard. By contrast, the Traffic Impact Study expressly notes that it was prepared consistent with the applicable Traffic Impact Study criteria and standards, including the Roadway Standards, and that it developed project trip generation using the method from the ITE Trip Generation Manual (11th Edition). In fact, it is industry standard for traffic counts to be obtained during weekdays (Tuesday through Thursday) to reflect the normal, non-holiday or weekend, traffic conditions. The traffic counts and analysis contained in the Traffic Impact Study are also consistent and conform with the previous traffic studies that have been prepared for the other phases of the overall RidgeGate development. Critically, the Traffic Impact Study shows that the roadways and intersections will continue to operate within the City's level of service standards in both the short and long range conditions. This is to be expected; the adjacent transportation network was designed and constructed with the anticipation of the traffic associated with the development of the Hillcamp neighborhood because the previous planning efforts associated with the existing PDD documents always expected this development.

The Opposition Letter then attempts to reframe its incorrect traffic claims as a wildfire evacuation failure scenario. The Wildfire Risk Assessment prepared by High Prairie Tree and Turf dated February 12, 2025 (the "Wildfire Risk Assessment") recognized that buildout conditions can increase ingress and egress vulnerability due to higher traffic loads. It also identified access-related improvements and mitigation methods that are intended to increase egress capability and reduce risk. *See Wildfire Risk Assessment*, pp. 12-13. Further, the Applicant's alternative roadway analysis reached the conclusion that the selected access concept meets City and Fire Department access criteria while providing the most direct emergency route to the site without relying on the single-lane underpass, improving emergency access performance under adverse conditions. *Alternative Access Memo*, § 4. The relevant Application materials contain evaluations of the potential access points, including how suitable they might be in the case of emergencies such as wildfire, based on the requirements of the City and the Fire Department, and these are the criteria on which the Application is judged.

G. Wildfire Risk is Addressed

The Opposition Letter also objects to approval of the Application on the basis that the location has the potential to be impacted by wildfires, and particularly alleges this is so because the area is in a Wildland Urban Interface area. Wildfire is certainly a concern that the Applicant is aware of, and the Application includes a thorough analysis of these conditions in the Wildfire Risk Assessment. Other than noting a list of conditions that can contribute to wildfires, and noting that the low density of the area was a factor considered in the assessment, the Opposition Letter does not offer an example of how the Wildfire Risk Assessment's analysis is a departure from the accepted professional standards and methods for assessing fire risk.

The Opposition Letter's wildfire-risk objections would apply equally to the HOA's own subdivision (and much of RidgeGate) given that the City's 2025 Wildfire Protection Plan maps most of the area within the Wildland Urban Interface. Applying the HOA's logic uniformly would call its own development into question. The relevant issue, however, is whether the Application complies with the City's wildfire-mitigation policies, and the submitted materials clearly show that it does.

H. Limited Noise Impacts on the HOA Neighborhood

Regarding the construction noise concerns raised by the Opposition Letter, there is nothing particularly novel or unique about the level of development or construction activity proposed. Furthermore, this type of construction

activity is something that the residents of the HOA are expressly on notice of. In the “RidgeGate at Lone Tree, Colorado Surrounding Area Report”, dated April 2018, which was included in the materials disclosed to home buyers and recorded on the title of properties in the HOA (the “Surrounding Area Report”), residents of the HOA were expressly warned that “To the south of The Retreat neighborhood are areas zoned for Open Space and Rural Residential” and these “Rural Residential neighborhood will be accessed by a future extension of Cabela Drive.” *Surrounding Area Report* § 4(b). The Surrounding Area Report goes on to give fair warning to all that construction activity is expected in this area:

Prospective home buyers should not assume that because land is currently vacant it will remain so. It is very likely that vacant land will be developed in the future unless it has been preserved as open space by the State of Colorado, local governments, or preservation groups. Also, there is no guarantee that current zoning will not be amended in the future. A parcel that today is zoned for agricultural uses could be rezoned tomorrow for residential, commercial or industrial uses. If development does occur, please be advised that significant grading and construction equipment may cause noise, dust and increased traffic in the area. The topography of the area may also be significantly affected. *Surrounding Area Report* § 4(b).

Requiring the Applicant to conduct additional studies in excess of what is required under the City’s code as a condition for approval is inappropriate and unnecessary. The Application proposes a typical residential development to be constructed in a location that has been zoned and intended for development for a long time. If the concern is that the construction *might* exceed the noise levels permitted under the City’s noise and nuisance ordinances, then a solution is already in place. The City has the power to enforce its noise and nuisance ordinances if and as necessary.

I. Easement Scope, Due Diligence, and Overburdening Concerns

Lastly, the Opposition Letter claims that the proposed location for Hillcamp Drive is improper because using the existing blanket easement for a “substantial access roadway” would go beyond what was originally intended when the easement was granted. That framing misses the mark.

First, it is unclear why the Opposition Letter suggests that the HOA, as a neighbor to the open space at issue, should have the power to renegotiate the City’s rights and obligations with respect to an easement that was granted and reserved between the Applicant and a private party before the City took title to the property. Nor does the Opposition Letter provide support for its implication that the City failed to conduct extensive due diligence on the property and how the natural conditions would relate to the burden of a blanket road and utility easement before accepting the open space. The resolution authorizing the City to accept the open space is quite clear that the City investigated the effects of the easement to its satisfaction prior to the conveyance. *See Lone Tree, Co., Resolution No. 20-18 (2020) (“WHEREAS, the City has carefully considered the potential impacts arising from a Blanket Easement encumbering the Open Space Parcels and finds that the public interest will be protected through limitations set forth in the Blanket Easement”).*

But more importantly, the open space area was deeded to the City encumbered by the Roadway Easement. The Roadway Easement provides the Applicant with an easement right allowing “the construction, reconstruction, installation, operation, use, maintenance, repair, removal and replacement of vehicular roads,” subject to certain expressly articulated limitations. As pertinent here, none of the enumerated limitations restrict the right for the Applicant to select an appropriate location for the roadway in the easement nor do they restrict the size or

configuration of the access road. The purpose and intent of the easement was quite clear—it provides for the construction of access and infrastructure to serve the Project that was already contemplated under the applicable PDDs and other planning documents. Broad easements of this nature are routinely granted for the purposes of providing road access and the installation of utility systems, and in locations and to precise specifications that are intended to be determined in the future. This process is consistent with Colorado law.

In fact, the Roadway Easement expressly contemplated that the road details were to be determined in the future, as demonstrated by the following provision: “At such time as all utilities and/or roadways have been installed, Grantor shall execute a document in recordable form releasing the Utility Easement and/or the Roadway Easement from all portions of the Easement Area except for the strips of land where the roadways and utility lines are located.” *Roadway Easement*, ¶ (a). Furthermore, the parties were clear on their intent that the roads and infrastructure were to serve the neighborhood that would be constructed. Attached hereto as Exhibit A is a City document describing the conveyance and easement. It is clear from the record that the parties were in agreement over the intended use of the roadway for access to the development which is now the Project. Arbitrarily placing some additional restrictions beyond what was included in the Roadway Easement now would undermine the intended purpose for the easement—namely, allowing the future development of the Project while preserving the open space as City property in perpetuity.

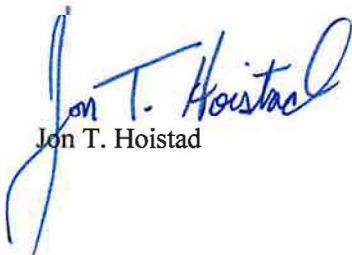
III. Conclusion

We appreciate the City’s attentive review of the Application and this matter. As discussed above, the Application material contains plentiful information demonstrating that it is consistent with the governing planning documents and the City code.

Sincerely,



Carolynne C. White



Jon T. Hoistad

Exhibit A



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Open Space Property Transfer Blanket Easement

RidgeGate Investments (RGI) and Rampart Range Metro District (RRMD) would like to preserve a blanket easement for future utilities and roadways across some open space properties (see map) that will soon be conveyed to the City to preserve as open space. The easement is to allow for future utilities, roads, and other infrastructure to reach future development RGI plans to develop up the Bluffs. This includes allowing RRMD/RGI to issue easements to others for the property.

Limitations on RRMD/RGI.

The deed limits the blanket easement to the following circumstances:

- Utility Easement
 - For underground water, sanitary sewer, storm sewer, electric, gas, and telecommunications/data lines.
 - All utilities should be installed below ground.
- Roadway Easement
 - For construction of roadways through the open space.
- For all easements
 - If RRMD/RGI grants an easement to anyone to build/maintain utilities or roadways, they must be either a governmental entity, quasi-governmental entity, or a public utility. An easement may also be granted to the future buyer/developer of the developable land up on the bluffs.
 - Utilities and roads may only serve development in the City of Lone Tree.
 - Roads and utilities must meet the City's rules, regulations, standards and specifications.
 - After utilities/roads are constructed, the blanket easement will be released (except over what was actually built).
 - City will not be responsible for any roads or utilities built on the property- unless the city accepts them through a normal process (like the City accepting roadways).

Benefits to the Property Transfer

- Protect & preserve open space, including current recreational amenities and the ability to create future enhancements.
- Keep South Suburban taxpayer dollars in the RidgeGate area to operate and continually enhance existing parks through programing and maintenance.
- Allow Rampart Range Metro District to focus on other district priorities.
- Once the City has ownership of the open space, it can access Xcel undergrounding funds to underground the powerlines on top of the Bluffs visible from town.
- Reduce confusion from residents about "who does what". SSPRD will provide consistency in park operations and standards of maintenance.